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| 10/628,254 | 07/29/2003 | Peter Robert Neuwald | P23662 | 5431 |
| 7055 7590 08/29/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191 | | | EXAMINER BRUCKART, BENJAMIN R | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/628,254

Applicant(s)

NEUWALD ET AL.

Examiner

Benjamin R. Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-25 are pending in this Office Action.

Claims 1-25 are amended.

The objection to the specification is withdrawn based on applicant's arguments.

Response to Arguments

Applicant's arguments filed in the amendment filed 7/20/07, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 20040039800 by Black et al.

Regarding claim 1, a method of managing connections between a Java 2 enterprise edition (J2EE) application server and a remote common object request broker architecture (CORBA) enterprise information system (Black: pages 5-6, para 60-63; Fig. 5B; tag 540a is the CORBA server; tag 560 is the J2EE server), comprising:

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integrating a resource adapter with the J2EE application server, the resource adapter comprising an encapsulated CORBA interface to the remote CORBA enterprise information system (Black: pages 5-6, para 60-63; Fig. 5A-5B); and

establishing a persistent CORBA connection between the J2EE application server and the remote CORBA enterprise information system (Black: page 6, para 62; Fig 5A-D).

Claims 9 and 17 are rejected under the same rationale given above as being substantially similar to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 10-16, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication 20040039800 by Black et al in view of U.S. Patent No. 6,980,515 by Schunk et al.

Regarding claim 2, the Black reference teaches the method of managing connections according to claim 1.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising receiving a request from an application component implemented by the J2EE application server to allocate the persistent connection and determining whether the persistent connection is available for allocation (Schunk: col. 4, lines 24-30) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining

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availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 3, the Black reference teaches the method of managing connections according to claim 2.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising allocating the persistent CORBA connection to the application component when a persistent CORBA connection is available, and informing the application component that the CORBA connection is unavailable when the persistent CORBA connection is unavailable (Schunk: col. 8, lines 65- col. 9, line 2; col. 16, lines 56-65) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 4, the Black reference teaches the method of managing connections according to claim 2.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising establishing another persistent CORBA connection between the J2EE application server and the CORBA enterprise information system when the persistent CORBA connection is unavailable, and allocating the other persistent CORBA connection to the application component (Schunk: col. 16, lines 11-35) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 5, the Black reference teaches the method of managing connections according to claim 1.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising receiving a message from the CORBA enterprise information system indicating that the persistent CORBA connection is not active and, in response, terminating the persistent CORBA connection (Schunk: col. 16, lines 22-35) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 6, the Black reference teaches the method of managing connections according to claim 1.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising monitoring the persistent CORBA connection to determine whether the persistent CORBA connection is active (Schunk: col. 24, lines 14-15; col. 6, lines 54-59) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 7, the Black reference teaches the method of managing connections according to claim 1.

The Black reference fails to teach determining availability.

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However, the Schunk reference teaches, further comprising establishing additional CORBA connections between the J2EE application server and the CORBA enterprise information system until a predetermined minimum number of CORBA connections are established (Schunk: col. 16, lines 11-35; users 1 and 2) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Regarding claim 8, the Black reference teaches the method of managing connections according to claim 7.

The Black reference fails to teach determining availability.

However, the Schunk reference teaches, further comprising establishing additional CORBA connections between the J2EE application server and the CORBA enterprise information system until a predetermined maximum number of CORBA connections are established (Schunk: col. 15, lines 64- col. 17, line 24),

wherein a CORBA connection established after the predetermined minimum number of CORBA connections are established, is established based on a determination, in response to a request from an application component implemented by the J2EE application server to allocate a CORBA connection, that the previously established CORBA connections are unavailable (Schunk: col. 16, lines 11-35) in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of managing connections as taught by Black to include determining availability as taught by Schunk in order to maintain a high level of performance and availability while minimizing delays and bottlenecks (Schunk: col. 1, lines 30-36).

Claims 10-16 and 18-25 are rejected under the same rationale given above as being substantially similar to claims 1-8.

Remarks

Applicant provides minor amendments to claims by placing labels and titles to functional features of the invention. The examiner maintains the rejection as the labels have little weight and do not overcome the outstanding rejection.

The Applicant Argues:

...the claim limitations are not taught by Black in view of Schunk.

In response, the examiner respectfully submits:

Referring to Fig. 5b, the CORBA enterprise information system is denoted as tag 540a and the J2EE server is denoted by tag 560. Pages 5-6, paragraphs 60-63 reinforce the mapping that the CORBA server creates a connection with the J2EE server bridging the connection and interpreting commands between the two.

Applicant's argument that the CORBA system cited by Black is not an 'enterprise information system' is not persuasive. The examiner maintains the rejection, applicant has not distinguished such language from the prior art either in arguments or claim language. The CORBA enterprise information system is indeed a module running in a business setting (see page 2, para 31-33) for common object request brokering.

Applicant's limitation of a "resource adaptor comprising an encapsulated CORBA interface" is addressed in Black: pages 5-6, para 60-63; Fig. 5A-5B where the functionality of a connection is made between the CORBA server and the J2EE server. The resource adapter is the interface between the two modules. The encapsulating the CORBA interface is the instance of the EJB in which the CORBA calls.

Applicant argues the limitation of claim 1 in addressing the adjective "persistent" in relation to Black and Schunk. Black teaches in page 6, para 62 the exchanges between the modules the connection made between the CORBA system and the J2EE module. This connection is interpreted as 'persistent' and applicant has not defined the word to mean anything

other than the interpretation given. Persistent through what? Applicant has few details addressing this. Further neither Black nor Schunk teach anything that contradict or suggest against the connection being persistent.

Applicant questions and contradicts a lot of the citations and prior art but without defining differences or outlining the fundamental distinctions. Applicant is encouraged to add such descriptions, details, and distinctions to the claims to expedite prosecution.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the

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organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

BRS


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER